

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: LEVAQUIN PRODUCTS
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

This Document Relates to All Actions

**ORDER DENYING DEFENDANTS'
MOTION FOR PROTECTIVE ORDER**

Ronald S. Goldser and David M. Cialkowski, **ZIMMERMAN REED, PLLP**, 651 Nicollet Mall, Suite 501, Minneapolis, MN 55402-4123; and Lewis J. Saul, **LEWIS SAUL & ASSOCIATES**, 16th Floor, 75 Rockefeller Plaza, New York, NY 10019, for plaintiffs.

John Dames, **DRINKER BIDDLE & REATH LLP**, 191 North Wacker Drive, Suite 3700, Chicago, IL 60606-1698; William H. Robinson, Jr., **LECLAIR RYAN**, 225 Reinekers Lane, Suite 700, Alexandria, VA 22314; Tracy J. Van Steenburgh, **HALLELAND LEWIS NILAN & JOHNSON, PA**, 600 US Bank Plaza South, 220 South Sixth Street, Minneapolis, MN 55402; and Jennifer E. Ampulski, **MEAGHER & GEER, PLLP**, 33 South Sixth Street, Suite 4400, Minneapolis, MN 55402, for defendants.

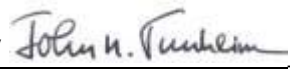
On October 24, 2008, defendants filed a motion for a protective order pursuant to Federal Rule of Civil Procedure 26(c), seeking to prevent plaintiffs' deposition of defense expert Dr. John Seeger. Defendants argued that taking Dr. Seeger's deposition testimony at this time could result in the premature discovery of opinions formulated by Dr. Seeger in his capacity as an expert. After hearing argument at the status conference held on December 15, 2008, the Court denied defendants' motion.

The Court cautions, however, that any immediate deposition of Dr. Seeger should be limited to discovery of pre-retention facts and conclusions related to the study in

which Dr. Seeger was the lead author.¹ The deposition should avoid eliciting information or opinions that will likely be the subject matter of Dr. Seeger's expert report.

Based on the foregoing records, files, and proceedings herein, **IT IS HEREBY ORDERED** that the defendants' motion for protective order [Docket No. 45] is **DENIED**.

DATED: December 18, 2008
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge

¹ The study, *Achilles Tendon Rupture and its Association with Fluoroquinolone Antibiotics and Other Potential Risk Factors in a Managed Care Population*, was published in *Pharmacoepidemiology and Drug Safety* 2006; 15: 784-92.